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**OFFICE OF PETITIONS**

BARNES & THORNBURG LLP  
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INDIANAPOLIS IN 46204

In re Application of :  
Snyder, et al. :  
Application No. 09/486,904 : DECISION ON PETITION  
Filed: March 3, 2000 :  
Attorney Docket No. 3220-66107 :  
:

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed June 18, 2004.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed September 23, 2003. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on December 24, 2003. The Office mailed a Notice of Abandonment on May 25, 2004.

Petitioner argues that he timely filed a Notice of Appeal on December 22, 2003. In support thereof, petitioner has supplied a copy of a USPTO date stamped postcard receipt, identifying this application, showing that a Notice of Appeal was received in the Office on December 22, 2003.

In view thereof, **the holding of abandonment is withdrawn**.

However, petitioner has offered no proof that the fee for the Notice of Appeal was paid. Because the Notice of Appeal included an authorization to charge any necessary fees to counsel's deposit account, the \$330 fee (in effect during December of 2003) for the Notice of Appeal has been charged to Deposit Account No. 10-0435, as authorized.

The matter is being forwarded to Group Art Unit 1638 for consideration of the Appeal Brief, filed February 2, 2004.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions